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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| ANGEL DELEON,<br><br>Plaintiff,<br><br>-against-<br><br>R.D. RICE CONSTRUCTION, INC.; EMPIRE ERECTORS AND ELECTRICAL CO., INC.; THE PADDED WAGON, INC.; and RIGGED RITE, INC.;<br><br>Defendants. | **SCHEDULING ORDER**<br><br>Case No.:08cv2517 (SAS)<br><br>Conference Date: April 7, 2008 |

WHEREAS the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on March 19, 2008, (the "Order"); and

WHEREAS, the Order requires that the aprties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) The conference was scheduled by the Order to be conducted on April 7, 2008, at 3:30 PM, and the parties to this action have appeared by counsel as follows:

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| Plaintiff Angel DeLeon: | Andrew Libo |
| Defendant R.D. Rice Construction, Inc. | Patrick W. Brophy |
| Defendant Empire Erectors and Electrical Co., Inc. | ALAN MELLER |
| Defendants The Padded Wagon, Inc. and Rigged Rite, Inc. | William H. Grae |

(2) a concise statement of the issues as they then appear:

Plaintiff Angel DeLeon, ("DeLeon"), was injured at a construction site on February 9, 2006, when a crate of glass or other building material allegedly came into forceful contact with and amputated the tip of his left index finger. The accident occurred on the fourth floor of a building undergoing renovation and the crate was allegedly being lowered through a window at the time of the accident. Plaintiff seeks recovery of damages from the general contractor and subcontractors based on their alleged liability based on common law negligence as well as statutory liability under New York State Labor Law Sections 240(1) and 241(6).

Plaintiff intends to file a motion to remand based on the alleged absence of diversity of citizenship at the time suit was commenced.

The parties are amenable to seeking resolution of this action by means of formal mediation. However, defendants contend that an attempt to achieve settlement by means of mediation must be deferred until after the deposition of plaintiff, at the very least, has been completed.

(3) a schedule including:

(a) the names of persons to be deposed and a schedule of planned depositions;

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| Plaintiff Angel DeLeon | On or before June3, 2008 (continuation of deposition in progress) |
| Defendant R.D. Rice | Richard Burton or alternate witness with knowledge if Burton is no longer employed on June 10, 2008 |
| Defendant Empire Erectors | "The crane operator" if still employed or other witness with knowledge on June 17, 2008 |
| Defendants Padded Wagon and Rigged Rite | Norberto Bettancourt or alternate witness with knowledge on June 24, 2008 |

(b) a schedule for production of documents;

i. Plaintiff shall furnish authorizations for release of all insurance claim records related to plaintiff's (subsequent) August, 2006, motor-vehicle accident on or before April 14, 2008 ;

ii. Plaintiff shall furnish copies of all transcripts of his testimony at depositions and/or examinations under oath conducted in connection with plaintiff's subsequent personal injury action and/or prosecution of insurance claims, as well as all non-privileged pleadings, Notices of Claim, and other documents related to any civil actions arising out of the subsequent accident, to all defendants on or before April 14, 2008.

iii. Defendant R.D. Rice shall furnish a Verified Bill of Particulars as to Affirmative Defenses, in compliance with plaintiff's demand for same prior to removal of the instant action from State to the within court, within thirty (30) days.

iv. Plaintiff shall furnish authorizations for release of employment and personnel records by each employer for whom plaintiff has worked subsequent to the subject accident on or before April 14, 2008.

(c) dates by which each expert's reports will be supplied to the adverse side and each expert's deposition will be completed:

i. Defendants will furnish all reports regarding all independent medical examinations already conducted at defendants' request within thirty (30) days and will furnish reports from any presently pending examinations within forty-five (45) days of each examination;

ii. Plaintiff will provide liability and/or damage expert disclosures pursuant to Rule 26(d) on or before July 24, 2008. Defendants will have sixty (60) days from receipt of such disclosure to produce Rule 26(d) liability expert disclosures.

iii. Deposition of plaintiff's expert(s) will be conducted by Sept. 24, 2008. Deposition of defendants' experts will be completed by Oct. 24, 2008.

(d) All discovery will be completed by ________________.

(e) Plaintiff will supply his pre-trial order matters to defendant by ________.

(f) By ______________, the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial.

(g) A final pre-trial conference pursuant to Fed. R. Civ. P. 16(d) will be conducted before the Court on ______________________.

(4) a statement of any limitation to be placed on discovery, including any protective or confidentiality orders; None.

(5) a statement of those discovery issues, if any on which counsel, after a good faith effort, were unable to reach an agreement; None.

(6) anticipated fields of expert testimony, if any;

(a) Plaintiff will offer the testimony of experts in the fields of: ____________

(b) Subject to completion of deposition, defendants may seek to offer testimony from experts in the fields of: (a) construction and workplace safety; (b) neurology; (c) orthopedics; and/or (d) physical rehabilitation medicine.

(7) anticipated length of trial and whether to court or jury;

(a) It is anticipated that trial of this matter will be to a jury and will take approximately five (5) to seven (7) days.

(8) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

(9) This proposed Scheduling Order is stipulated by and between counsel of record herein as follows:

Plaintiff Angel DeLeon::
GERSOWITZ, LIBO, & KOREK, P.C.
By: ______________________
Andrew Libo, Esq.
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New York, New York 10006
(212) 385-4410
(212) 385-4417

Defendant R.D. Rice Construction, Inc.
MCMAHON, MARTINE, & GALLAGHER, LLP
By: ______________________
Pat Brophy, Esq.
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Brooklyn, NY 11201
(212) 747-1230
(212) 747-1239 (Facsimile)

Defendant Empire Erectors and Electrical Co., Inc.
BIVONA & COHEN, P.C.
By: ______________________
~~Michael Seltzer~~, Esq. ALAN R. MELLER
Wall Street Plaza
88 Pine Street - 25th Floor
New York, New York 10005
(212) 363-3100
(212) 363-9824 (Facsimile)

Defendants The Padded Wagon, Inc. and Rigged Ride, Inc.
GOLDBERG & ASSOCIATES
By: ______________________
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39 Broadway, 17th Floor
New York, NY 10006
(212) 968-2300
(212) 968-2400 (Facsimile)
Wgrae@echonyc.com

SO ORDERED:

______________________
SHIRA A. SCHEINDLIN
U.S.D.J.

4/7/08